

# Final Regulation Order

## Statewide Portable Equipment Registration Program

Amend sections 2452, 2453, 2456, 2458, 2460, 2461, and 2462, title 13, California Code of Regulations to read as follows:

(Note: The amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. The symbol “\* \* \* \* \*” means that intervening text not being amended is not shown.)

### Article 5. Portable Engine and Equipment Registration

#### § 2452. Definitions.

\* \* \* \* \*

- (c) **“Certified Compression-Ignition Engine”** means an engine certified pursuant to meeting the nonroad engine emission standards for compression-ignition engines, as set forth in Title 13 of the California Code of Regulations or 40 CFR Part 86, 40 CFR Part 89, 40 CFR Part 1039, 40 CFR Part 94, 40 CFR Part 1042, or as set forth in the equivalent categories in title 13, Cal. Code Regs., in effect at the time of application.

\* \* \* \* \*

- ~~(ww) **“Tier 1 Engine”** means a certified compression-ignition engine according to the horsepower and model year as follows:~~

~~≥50 bhp and <100 bhp; 1998 through 2003  
≥100 bhp and <175 bhp; 1997 through 2002  
≥175 bhp and <300 bhp; 1996 through 2002  
≥300 bhp and <600 bhp; 1996 through 2000  
≥600 bhp and ≤750 bhp; 1996 through 2001  
>750 bhp; 2000 through 2005.~~

- ~~(xx) **“Tier 2 Engine”** means a certified compression-ignition engine according to the horsepower and model year as follows:~~

~~≥50 bhp and <100 bhp; 2004 through 2007  
≥100 bhp and <175 bhp; 2003 through 2006  
≥175 bhp and <300 bhp; 2003 through 2005  
≥300 bhp and <600 bhp; 2001 through 2005  
≥600 bhp and ≤750 bhp; 2002 through 2005  
750 bhp; 2006 through 2010.~~

- ~~(yyww)~~ **“Transportable”** means the same as portable.

(zzxx) **“U.S. EPA”** means the United States Environmental Protection Agency.

~~(aaa) **“Vendor”** means a seller or supplier of portable engines or equipment units for use in California.~~

~~(bbbyy)~~ **“Volatile Organic Compound (VOC)”** means any compound containing at least one atom of carbon except for the following exempt compounds: acetone, ethane, parachlorobenzotrifluoride (1-chloro-4-trifluoromethyl benzene), methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonates, methylene chloride (dichloromethane), methyl chloroform (1,1,1-trichloroethane), CFC-113 (trichlorotrifluoroethane), CFC-11 (trichlorofluoromethane), CFC-12 (dichlorodifluoromethane), CFC-22 (chlorodifluoromethane), CFC-23 (trifluoromethane), CFC-114 (dichlorotetrafluoroethane), CFC-115 (chloropentafluoroethane), HCFC-123 (dichlorotrifluoroethane), HFC-134a (tetrafluoroethane), HCFC-141b (dichlorofluoroethane), HCFC-142b (chlorodifluoroethane), HCFC-124 (chlorotetrafluoroethane), HFC-23 (trifluoromethane), HFC-134 (tetrafluoroethane), HFC-125 (pentafluoroethane), HFC-143a (trifluoroethane), HFC-152a (difluoroethane), cyclic, branched, or linear completely methylated siloxanes, the following classes of perfluorocarbons:

- (1) cyclic, branched, or linear, completely fluorinated alkanes;
- (2) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
- (3) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
- (4) sulfur-containing perfluorocarbons with no unsaturations and with the sulfur bonds to carbon and fluorine, acetone, ethane, and parachlorobenzotrifluoride (1-chloro-4-trifluoromethyl benzene).

(zz) **“Water Well Drilling Rig”** means the same as “Two-Engine Water Well Drilling Rig” defined in title 13, Cal. Code Regs., section 2449(c).

NOTE: Authority cited: Sections 39600, 39601, 41752, 41753, 41754, 41755, 43013(b) and 43018, Health and Safety Code. Reference: Sections 41750, 41751, 41752, 41753, 41754 and 41755, Health and Safety Code.

## **§ 2453. Application Process.**

\* \* \* \* \*

(g) Except for TSE, each application for registration and the appropriate fee(s) as specified in section 2461, shall be submitted in a format approved by the Executive Officer and include, at a minimum, the following information:

- (1) indication of general nature of business (e.g., rental business, etc.);

- (2) the name of applicant, including mailing address, email address, and telephone number;
- (3) a brief description of typical engine or equipment-unit use;
- (4) detailed description, including engine or equipment-unit make, model, manufacture year (for portable engines only), rated brake horsepower, throughput, capacity, emission control equipment, and serial number;
- (5) necessary engineering data, emissions test data, or manufacturer's emissions data to demonstrate compliance with the requirements as specified in sections 2455, 2456, and 2457;
- (6) for owners of water well drilling rigs, a copy of a current, valid C-57 water well drilling contractors license;
- (67) for resident engines, a copy of either a current permit to operate that was granted by a district, or documentation as described in section 2452 (mm); and
- (78) the printed name and written or electronic signature of the responsible official and date of the signature.

\* \* \* \* \*

NOTE: Authority cited: Sections 39600, 39601, 41752, 41753, 41754, 41755, 43013(b) and 43018, Health and Safety Code. Reference: Sections 41750, 41751, 41752, 41753, 41754 and 41755, Health and Safety Code.

## § 2456. Engine Requirements.

\* \* \* \* \*

- (f) ~~After January 1, 2006, e~~Engines rated equal to, or greater than 50 bhp registered under this article shall:

\* \* \* \* \*

- (2) meet all applicable requirements in ~~title 17, of the California Code of Regulations commencing with section 93116~~Cal. Code Regs., sections 93116 through 93116.5, except that engines used on vessels as defined in title 17, Cal. Code Regs., section 93118.5(d) shall meet the applicable requirements of title 17, Cal. Code Regs., section 93118.5;

\* \* \* \* \*

- (10) Effective January 1, 2010, all registered spark-ignition engines rated at 50 brake horsepower or greater shall be certified spark-ignition engines or shall meet Table 1 requirements. ~~For those spark-ignition engines that are not certified spark-ignition engines or do not meet Table 1 requirements,~~

~~the registration shall expire on December 31, 2009 and the engine will not be allowed to operate under the authority of this regulation.~~

(11) Notwithstanding the requirements of 2456(f)(10), any company, public agency, or military base may choose to select specific registered spark-ignition engines to operate until December 31, 2010. The selections shall be submitted to the Executive Officer no later 30 days after the effective date of these amendments, and are subject to the requirements below:

- (A) One spark-ignition engine shall be selected with no restriction for maximum rated horsepower; or
- (B) No more than five spark-ignition engines shall be selected not to exceed 500 cumulative brake horsepower for the selected engines.
- (C) If an owner has selected one uncertified compression-ignition engines per title 17 Cal. Code Regs. section 93116.3(b)(1)(C)(2), then subsection 2456(f)(11)(A) shall not be used.
- (D) If an owner has selected less than five uncertified compression-ignition engines per title 17 Cal. Code Regs. section 93116.3(b)(1)(C)(3), then the combined total of selected spark-ignition engines and compression-ignition engines shall not exceed five engines with a cumulative size of 500 brake horsepower.

\* \* \* \* \*

(i) Registered diesel engines used on a water well drilling rig shall comply with the applicable requirements in title 13, Cal. Code Regs., section 2449 and are otherwise exempt from further requirements of this section, except for subsection (f)(5).

NOTE: Authority cited: Sections 39600, 39601, 41752, 41753, 41754, 41755, 43013(b) and 43018, Health and Safety Code. Reference: Sections 41750, 41751, 41752, 41753, 41754 and 41755, Health and Safety Code.

Table 1. Spark-ignition Engine Requirements\*

<i>Pollutant Emission Limits</i>		
<i><b>NO<sub>x</sub></b></i> **	<i><b>VOC</b></i> **	<i><b>CO</b></i> **
80 ppmdv NO <sub>x</sub> (1.5 g/bhp-hr) **	240 ppmdv VOC (1.5 g/bhp-hr)	176 ppmdv CO (2.0 g/bhp-hr)

\* These requirements are in addition to requirements of section 2455 and 2456.

\*\* For the purpose of compliance with this article, ppmdv is parts per million @ 15 percent oxygen averaged over 15 consecutive minutes. Limits of ppmdv are the approximate equivalent to the stated grams per brake horsepower hour limit based on assuming the engine is 24.2 percent efficient.

## § 2458. Recordkeeping and Reporting.

\* \* \* \* \*

~~(j) Vendors selling new portable engines and/or equipment units in California shall:~~

- ~~(1) notify the buyer about this regulation; and~~
- ~~(2) on a monthly basis submit to the Executive Officer the number of portable engines and/or portable equipment units sold by the vendor for use in California including: the name, address, and contact information of the purchaser, and description of the engine and/or equipment unit including make, model, and engine family name.~~

(kj) Registered diesel engines used on a crane shall comply with the applicable requirements in title 13, CCR Cal. Code Regs., section 2449 and are otherwise exempt from the requirements of this section.

(lk) Registered diesel engines used on a street sweeper ~~sweeper~~ that are not subject to the requirements of title 13, CCR Cal. Code Regs., section 2022 shall comply with the applicable requirements in title 13, CCR Cal. Code Regs., section 2025 and are otherwise exempt from the requirements of this section.

(l) Registered diesel engines used on a water well drilling rig shall comply with the applicable requirements in title 13, Cal. Code Regs., section 2449 and are otherwise exempt from the requirements of this section.

NOTE: Authority cited: Sections 39600, 39601, 41752, 41753, 41754, 41755, 43013(b) and 43018, Health and Safety Code. Reference: Sections 41750, 41751, 41752, 41753, 41754 and 41755, Health and Safety Code.

## § 2460. Inspections and Testing.

\* \* \* \* \*

(b) Each district shall inspect all registered engines and equipment units for which the district has been designated as the home district pursuant to section 2453(i) above, as specified below:

- (1) Within 45 days after the date of initial issuance or renewal of a registration, the owner or operator shall contact the home district to arrange for inspection of the registered engine or equipment unit to be completed within one year of the initial registration or renewal date. An arranged inspection shall not be required for engines selected for registration extension per 2456(f)(11) or title 17 Cal. Code Regs., section 93116.3(b)(1)(C). If the registered engine or equipment unit shall be

operating in a district, other than the home district, the owner or operator may request the home district to arrange for an inspection by the other district.

\* \* \* \* \*

- (3) For registered equipment units operating with registered engines, the owner or operator may not request that the registered engine be inspected at the hourly rate specified in Table 32 for equipment unit inspections. Inspection fees for registered engines are to be paid as listed in item 14 in Table 32

\* \* \* \* \*

- (5) The time for an arranged inspection shall be agreed upon in advance with the district and company preferences regarding time of day shall be accommodated within reason. To the extent that an arranged inspection does not fall within the district's normal workday, the district may charge for the off-hour time based on a fee as specified in Table 32.

\* \* \* \* \*

NOTE: Authority cited: Sections 39600, 39601, 41752, 41753, 41754, 41755, 43013(b) and 43018, Health and Safety Code. Reference: Sections 41750, 41751, 41752, 41753, 41754 and 41755, Health and Safety Code.

## **§ 2461. Fees.**

\* \* \* \* \*

- (c) ~~Except as provided in (k) below, t~~The owner or operator of a registered engine or equipment unit shall submit fees to the Executive Officer and to districts in accordance with Table 32.
- (d) The Executive Officer shall collect an inspection fee as listed in Table 32 one time per every three calendar years for each registered engine to be paid upon initial application and renewal. Except for TSE, when multiple registered engines are inspected at a given source or location, the owner shall receive a discount if the owner or operator intends to arrange multiple engines inspections with the district and complies with the requirements specified in section 2460(b)(7). The discounts shall be applied as follows:
- (1) no discount for 1 to 3 engines
  - (2) 25 percent discount for 4 to 9 engines

(3) 35 percent discount for 10 or more engines

- (e) Failure to pay renewal fees when due may result in penalties. If a fee payment is not received or postmarked by the specified due date, fee penalties may be assessed per unit in accordance with Table 32. Failure to pay renewal fees prior to expiration may result in cancellation of the registration. If a registration has expired for an engine or equipment unit that is eligible for reactivation, a canceled registration may be reactivated after payment of all renewal and penalty fees. Registration may be reissued under the original registration number and expiration date. A portable engine or equipment unit without valid registration is subject to the rules and regulations of the district in which it operates.

\* \* \* \* \*

- (g) A district may collect a fee for the inspection of a registered equipment unit pursuant to section 2460(b)(3). The district shall bill the owner of the equipment unit at a rate as specified in Table 32 of the regulation for actual staff time taken to perform the inspection, not to exceed the amount specified in Table 32. Upon receipt of the invoice for the inspection fee, the owner shall have the right to appeal the district's fee determination to the district Air Pollution Control Officer pursuant to the provisions of the district's rules and regulations that govern appeals of fee determinations.

\* \* \* \* \*

- (j) The district may collect an inspection fee as listed in Table 32 one time per calendar year for each registered TSE inspected. When multiple registered TSE units are inspected at a given source or location, the inspection fee shall be equal to the lesser of the actual cost, including staff time, for conducting the inspection or the fee as listed in Table 32 per registered portable engine or equipment unit inspected. If the district performs an inspection leading to determination of non-compliance with this article, or any applicable state or federal requirements, the district may charge a fee as listed in Table 32 per portable engine or equipment unit for each inspection necessary for the determination and ultimate resolution of the violation. In no event shall the total fees exceed the actual costs, including staff time, to the district of conducting the investigations and resolving any violations.

- ~~(k) Portable engines qualifying for initial registration as resident engines per section 2452(mm)(2) shall use the Table 2 fee schedule. The fees collected subject to this section shall be distributed to the districts, except that \$270 dollars per engine for initial registration, and an additional \$80 dollars per engine shall be retained by the Air Resources Board to provide for administrative costs. The fees shall be determined as follows:~~

- ~~(1) For tier 1 engines, as defined in section 2452(ww), registration fees will be based on the year listed in Table 2, as determined below:~~

~~(A) Where date of purchase can be verified by the Executive Officer, the earlier of:~~

- ~~(1) for engines  $\geq 50$  bhp and  $< 100$  bhp: year of purchase or 2004;~~
- ~~(2) for engines  $\geq 100$  bhp and  $< 300$  bhp: year of purchase or 2003;~~
- ~~(3) for engines  $\geq 300$  bhp and  $< 600$  bhp: year of purchase or 2001;~~
- ~~(4) for engines  $\geq 600$  bhp and  $\leq 750$  bhp: year of purchase or 2002;~~
- ~~(5) for engines  $> 750$  bhp: year of purchase or 2006.~~

~~(B) Where the date of purchase can not be verified, the model year shall be used.~~

- ~~(2) For tier 2 engines, as defined in section 2452(xx), registration fees as listed in Table 2 will be based on the year the engine was purchased (as verified by the Executive Officer) or the model year of the engine (if purchase date is not available).~~

~~Table 2 Registration Fees For Resident Engines Per Section 2452(mm)(2)~~

<i>Portable Engine Date*</i>	<i>Application Submitted on or Before 12/31/07</i>	<i>Application Submitted in 2008</i>	<i>Application Submitted in 2009</i>
1996	\$2,353	\$3,130	\$5,000
1997	\$2,195	\$2,920	\$4,685
1998	\$2,038	\$2,710	\$4,370
1999	\$1,880	\$2,500	\$4,055
2000	\$1,723	\$2,290	\$3,740
2001	\$1,565	\$2,080	\$3,425
2002	\$1,408	\$1,870	\$3,110
2003	\$1,250	\$1,660	\$2,795
2004	\$1,093	\$1,450	\$2,480
2005	\$935	\$1,240	\$2,165
2006	\$778	\$1,030	\$1,850

~~\*As determined in section 2461(k).~~



**Table 32 Fees for Statewide Registration Program**  
**(Fees are per registered unit except where noted otherwise)**

1	Initial Registration	\$270.00
2	TSE, initial registration	
A	Registration of first 25 units (or portion thereof)	\$750.00
B	Registration of every additional 50 units (or portion thereof)	\$750.00
3	Change of status from non-operational to operational	
A	Where initial evaluation has not been previously completed	\$180.00
B	Where initial evaluation has been previously completed	\$90.00
4	Identical replacement	\$75.00
5	Renewal, non-TSE	\$225.00
6	Penalty fee for late renewal payments, non-TSE	
A	Postmarked within 2 calendar months prior to registration expiration date	\$45.00
B	Postmarked within the calendar month prior to registration expiration date	\$90.00
C	Postmarked after the registration expiration date	\$250.00
7	Annual TSE inventory fee	
A	first 25 units (or portion thereof)	\$375.00
B	every additional 50 units (or portion thereof)	\$375.00
8	Modification to registered portable engine or equipment unit	\$75.00
9	Change of ownership	\$75.00
10	Replacement of registration identification device or placard	\$30.00
11	Correction to an engine or equipment unit description	\$45.00
12	Update company information, copy of registration documents	\$45.00
13	Copy of registration documents	\$45.00
14	Total district inspection fee per registered portable engine, paid once every 3 years	\$345.00
A	General district inspection fee	\$30.00
B	Home district inspection fee	\$315.00
15	District off-hour service fee per hour	\$50.00
16	District inspection fees for equipment units:	
A	General district inspection fee, paid once every 3 years	\$75.00
B	District inspection fee per equipment unit, per hour	\$98.00 (not to exceed \$500.00)
17	TSE inspection fees:	
A	General district inspection fee per TSE unit, paid annually	\$10.00
B	District inspection fee per TSE unit per inspection	\$75.00
18	Placard	\$5.00

NOTE: Authority cited: Sections 39600, 39601, 41752, 41753, 41754, 41755, 43013(b) and 43018, Health and Safety Code. Reference: Sections 41750, 41751, 41752, 41753, 41754 and 41755, Health and Safety Code.

#### **§ 2462. Duration of Registration.**

- (a) Except for registrations that will expire on December 31, 2009 pursuant to sections 2456(f)(10) and title 17, ~~CCR~~ Cal. Code Regs., section 93116.3(b)(1)(A), and except for registrations that expire on December 31, 2010 pursuant to sections 2456(f)(11) and title 17, Cal. Code Regs., section 93116.3(b)(1)(C). registrations and renewals will be valid for three years from date of issuance. For change of ownership, the registration shall retain the original expiration date, except where the registration has expired.
- (b) The Executive Officer shall mail to the owner of a registered engine or equipment unit a renewal invoice at least 60 days prior to the registration expiration. Failure to send or receive a renewal invoice does not relieve the responsible official from paying all applicable fees when due.

NOTE: Authority cited: Sections 39600, 39601, 41752, 41753, 41754, 41755, 43013(b) and 43018, Health and Safety Code. Reference: Sections 41750, 41751, 41752, 41753, 41754 and 41755, Health and Safety Code.